

# Morgan Lewis

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**BY ECF**

Hon. Sidney H. Stein, U.S.D.J.

United States District Court, S.D.N.Y.

500 Pearl Street, Room 1010

New York, NY 10007

Re: Nat'l Credit Union Admin. Bd. v. Deutsche Bank Nat'l Trust Co., No. 14-cv-8919

Dear Judge Stein:

We represent Defendant Deutsche Bank National Trust Company, as trustee (the "Trustee"), and write in response to the letter from Plaintiff National Credit Union Administration Board, as liquidating agent ("NCUA") submitted earlier today. Dkt.#107. As NCUA noted in its letter, both parties took the position on August 20th (more than three weeks ago) that NCUA should file any motion for leave to amend today, September 11th. Today, without any prior communication on the topic from NCUA's counsel, at 8:07 a.m., NCUA's counsel sent an e-mail to the undersigned stating "we intend to ask the Court to give us three business days after entry of a briefing order to make our opening submission" and asked that the Trustee consent to that request by 10:00 a.m. today.

The Trustee's only concern was the ambiguity in NCUA's request, and the Trustee asked NCUA to clarify its request to the Court as to what the deadline would be if the Court set a briefing schedule with a fixed date for NCUA's moving papers on a motion for leave to amend. For example, if the Court ordered that NCUA file its motion for leave to amend on September 14, 2018, under NCUA's request, it might be unclear whether that motion would be due on September 14th or September 19th (3 business days later). The Trustee merely sought to have NCUA clarify its requested relief in NCUA's letter to the Court, and the parties could not agree on that clarification.

Respectfully submitted,

*Bernard J. Garbutt III*

cc: Counsel of Record (via ECF)

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